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MAR 3 1 2004

Fish & Richardson PC
225 Franklin St.
Boston, MA 02110

Paper No. 24

In re Application of
Robert E. Burrell et al
Serial No. : 09/524,027
Filed : March 13, 2000
For : Transcutaneous Medical Device Dressings and
Method of Use

: DECISION ON PETITION
: TO WITHDRAW.
: HOLDING OF
: ABANDONMENT

This is a decision on petitioner's request filed under 37 CFR 1.137(b) on August 7, 2003, which request is being treated as a request under 37 CFR 1.181 to review the holding of abandonment mailed July 23, 2003 for failure to pay the issue fee as required in the Notice of Allowance and Fee(s) Due mailed March 24, 2003. There is no fee required for this petition.

In support of the request, petitioner states that on April 15, 2003 a Request for Continued Examination (RCE) was filed. Requester indicates that the request for an RCE included the appropriate fees and requested that an IDS previously mailed on March 27, 2003 be considered as the submission required under 37 CFR 1.114. Although petitioner does not submit an appropriate showing under 37 CFR 1.8 or a PTO stamped receipt, to show timely filing of the RCE request, it is not necessary as the IDS mailed March 27, 2003 was received April 1, 2003 and the RCE request was received, timely, April 21, 2003 (certificate of mailing dated April 15, 2003).

In view of the above, the holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of (1) the IDS received April 1, 2003, (2) the RCE request received April 21, 2003, and (3) the IDS received May 6, 2003.

Summary: Holding of Abandonment Withdrawn.

John E. Kittle, Director
Groups 3730 and 3760
Phone: (703) 308-0873

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